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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,832	02/05/2007	Richard Woundy	CCC10116PUSA	8763
22045	7590	02/21/2008		
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			EXAMINER CHEA, PHILIP J	
			ART UNIT 2153	PAPER NUMBER
			MAIL DATE 02/21/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

AK

Office Action Summary	Application No. 10/570,832	Applicant(s) WOUNDY, RICHARD	
	Examiner PHILIP J. CHEA	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1-20 have been examined.

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the Abstract repeats information given in the title. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-2,6-9,13-15,19-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Tamura (US 2003/0048380).

As per claims 1,8,14, Tamura discloses a system of Internet Protocol (IP) provisioning for use in a cable network having a network provisioning unit (NPU) in communication with a plurality of embedded settop boxes (eSTBs) (see Fig. 1), the method comprising:

receiving eSTB IP provisioning requests from eSTBs provided by at least two different vendors, the eSTB IP provisioning requests outputted according to a first protocol (see paragraphs [0002] [0025] and [0027], where a STB is purchased from any retail outlet (i.e. vendor) implying at least two different

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vendors and the STB sends out a request to a service provider to be provisioned upon power up (i.e. first protocol)); and

transmitting eSTB IP provisioning data from the NPU to the eSTBs requesting the eSTB IP provisioning, wherein the eSTB IP provisioning data is outputted according to the first protocol such that provisioning of the eSTBs is standardized for each vendor (see paragraph [0027], where the vendor information such as serial number, device type, or smart card identifier is sent to the service provider in order for the service provider to properly communicate with the STB, then the service provider transmits the provisioning data to the STB in the form of account information (e.g. account number) to complete establishment and activation of an account).

As per claims 2,9,15, Tamura further discloses selecting the eSTB IP provisioning data according to the vendor of the requesting eSTB (see paragraph [0027]).

As per claims 6,19, Tamura further discloses that each eSTB is associated with Customer Premise Equipment (CPE) and wherein each CPE includes an embedded cable modem (eCM), and the method further comprises bridging IP signals through the eCM to the eSTB (see paragraph [0022]).

As per claim 7,13,20, Tamura further discloses that the first protocol is defined according to a Dynamic Host Configuration Protocol (DHCP) (see paragraph [0008]).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-5,10-12,16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamura as applied to claims 2,9,15 above, and further in view of Meza (US 7,287,257).

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As per claims 3,10,16, although the system disclosed by Tamura shows substantial features of the claimed invention (discussed above), it fails to disclose determining the vendor of the requesting eSTB using the NPU based on an eSTB vendor identifier included in the eSTB IP provisioning request.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Tamura, as evidenced by Meza.

In an analogous art, Meza discloses a system for automatically detecting the attachment of a peripheral device to a host system and configuring the host system for communication with the peripheral device (see Abstract). Meza further disclose determining the vendor of the peripheral device using the vendor identifier included in the configuration request (see column 12, lines 3-16, *showing how a peripheral vendor id is used to determine the vendor and where the peripheral requesting the device driver is analogous to the eSTB*).

Given the teaching of Meza, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Tamura by employing a vendor id to determine a vendor, such as disclosed by Meza, in order to use the provisioning method supported by the particular vendor

As per claim 4, Tamura in view of Meza renders obvious a database comprising IP provisioning data associated by vendor identifiers with a plurality of eSTB vendors, and wherein determining the vendor of the requesting eSTB includes searching the database for a vendor identifier that matches with the eSTB vendor identifier (see Meza column 12, lines 3-16, *describing how a database at a server is used to match the vendor identifier of a peripheral (analogous to the eSTB) to provide the proper device driver (analogous to the provisioning data)*).

As per claims 5,12,18, Tamura further discloses that the eSTB vendor identifier includes at least one of a serial number, a hardware version, a software version, an Organization Unique Identifier (OUI), a model number, or a vendor name (see paragraph [0027]).

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Conclusion

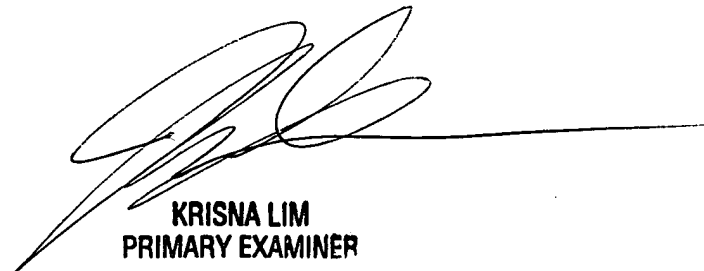
Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIP J. CHEA whose telephone number is (571)272-3951. The examiner can normally be reached on M-F 6:30-4:00 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Philip J Chea
Examiner
Art Unit 2153

PJC 2/14/08



KRISNA LIM
PRIMARY EXAMINER